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12M1/0330

RICHARD E. FICHTER
BACON AND THOMAS
625 SLATERS LANE-FOURTH FLOOR
ALEXANDRIA, VA 22314

NOTICE OF ALLOWANCE
AND ISSUE FEE DUE

Note attached communication with the Examiner
This notice is issued in view of applicant's communication filed

SERIES CODE/SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
07/741,570	08/07/91	035	ROTMAN, A	1203 03/30/94
First Named Applicant:	COATES, IAN H.			

TITLE OF INVENTION
**TETRAHYDRO-1H-PYRIDO[4,3-B]INDOL-1-ONE DERIVATIVES.
(AS AMENDED)**

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 REF/SN339	514-215.000	W41	UTILITY	NO	\$1170.00	06/30/94

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.
PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS
APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY Status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the Status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the Status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by a charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, Part C of this notice should also be completed and returned.

III. All communications regarding this application must give series code (or filing date), serial number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees.



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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07/741,570 08/07/91 COATES

EXAMINER REF/SN339

ROTMAN, A

12M1/0330

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ART UNIT PAPER NUMBER

15

DATE MAILED: 1203

03/30/94

NOTICE OF ALLOWABILITY

PART I.

Applicants' Amendment and Terminal Disclaimer filed

- ☒ This communication is responsive to *February 28, 1994*
- ☒ All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
- ☒ The allowed claims are *1-12, 22-38 AND 40-45*
- ☐ The drawings filed on _____ are acceptable.
- ☒ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has [] been received. [] not been received. [] been filed in parent application Serial No. *07/239,626*, filed on *09-02-88*
- ☐ Note the attached Examiner's Amendment.
- ☒ Note the attached Examiner Interview Summary Record, PTOL-413.
- ☒ Note the attached Examiner's Statement of Reasons for Allowance.
- ☒ Note the attached NOTICE OF REFERENCES CITED, PTO-892.
- ☒ Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

PART II.

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- ☐ APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
 - ☐ Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. _____. CORRECTION IS REQUIRED.
 - ☐ The proposed drawing correction filed on _____ has been approved by the examiner. CORRECTION IS REQUIRED.
 - ☐ Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
 - ☐ Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

Attachments:

- Examiner's Amendment
- Notice of Informal Application, PTO-152
- ☒ Examiner Interview Summary Record, PTOL-413
- Notice re Patent Drawings, PTO-948
- ☒ Reasons for Allowance
- Listing of Bonded Draftsmen
- ☒ Notice of References Cited, PTO-892
- Other
- ☒ Information Disclosure Citation, PTO-1449

In line 25 of claim 1 or the fourth line after the second group of formulas, the comma at the end of the line was converted to the term "or" in red ink and initialed in margin to correct grammar of a Markush expression.

A.L. ROTMAN
703-308-4698
PTOL-37 (REV. 4-89) *

Alan L. Rotman
ALAN L. ROTMAN
PRIMARY EXAMINER
ART UNIT 1203

USCOMM-DC 89-3789

Serial Number: 07/741,570

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Art Unit: 1203

1. The following is an Examiner's Statement of Reasons for Allowance:

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The obviousness-type double patenting rejection is hereby withdrawn in view of the fact that applicants have submitted an acceptable terminal disclaimer involving U.S. Patent No. 5,183,820 under 37 C.F.R. 1.321(b).

The allowed claims of the instant application are patentably distinct over the claims of U.S. Patent No. 4,985,422 commonly assigned by Glaxo Group Limited, England of similar, but different inventive entity because the imidazole ring herein involves a ring carbon-to-acyclic carbon attachment wherein the involved "422" patent involves an imidazole ring nitrogen-to-acyclic carbon bond. From a patent law point of view a carbon-to-carbon bond is patentably distinct from a carbon-to-nitrogen bond. Furthermore, a carbon-to-carbon bond involves a different electron density and require different atom orbital energies due to "Aufbau principle" and "Hunds rule"

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Art Unit: 1203

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan L. Rotman whose telephone number is (703) 308-4698.

Alan L. Rotman

ALAN L. ROTMAN
PRIMARY EXAMINER
ART UNIT 1203

alr

March 28, 1994